

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6122**

**BILL NUMBER:** SB 40

**NOTE PREPARED:** Oct 27, 2004

**BILL AMENDED:**

**SUBJECT:** Sex and Violent Offender Registry.

**FIRST AUTHOR:** Sen. Antich-Carr

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires a person who murders another person who is less than 18 years of age to register with the sex and violent offender registry.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** *Summary:* This bill would increase the number of persons required to register as sex and violent offenders. The number of persons falling under the requirements of this bill are unknown. Local law enforcement agencies may experience an increase in expenditures. Any increases are dependent on the number of individuals falling under the requirements of this bill. Counties with larger sex and violent offender populations may necessitate additional staff.

The Indiana Sheriffs' Association is responsible for development and monitoring of the Indiana sex offender registry website, but does not anticipate a need for additional staff to meet the requirements of this bill.

*Background:* The following table shows the number of offenders who have been committed to the Department of Correction (DOC) for murder and who are scheduled to be released from DOC facilities during the next four fiscal years.

<u>Fiscal Year</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Number of Offenders Committed for Murder and Scheduled for Release	36	51	58	40

Of these offenders, the number which committed sex offenses are unknown (persons convicted of these crimes would already be required to register).

*Local Law Enforcement Agencies:* Each local law enforcement agency has identified staff to monitor sex and violent offender registration. Increases in expenditures for agencies vary by locality. Allen County, which has a larger sex offender population (472 offenders are currently registered), reports that it currently needs additional staff to monitor sex and violent offender registration. The county would likely require additional staff if the number of individuals required to register increases. Whitley County, with a smaller sex and violent offender population (43 offenders are currently registered), reports that no additional staff would be needed. Any increases in expenditures for local law enforcement agencies are dependent on the number of individuals that would fall under the requirements of this bill.

*Indiana Sheriffs' Association:* The Indiana Sheriffs' Association is responsible for development and monitoring of the Indiana sex offender registry website. The registry is comprised of two parts; the sex offender registry, and the sex and violent offender registry. Individuals listed on the latter are considered sexual predators and remain on the registry for the remainder of their lives. Those listed on the sex offender registry remain on the list for no longer than ten years. Currently, there are approximately 7,100 individuals listed on the sex offender registry; very few of these individuals are sex and violent offenders.

The sex offender registry is funded through grant money from the Indiana Criminal Justice Institute (CJI); the grant was \$95,000 in CY 2003. Two staff maintain the website. The Sheriffs' Association does not anticipate a need for additional staff to meet the requirements of this bill.

*Penalty Provision:* Individuals who fail to register as a sex and violent offender commit a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Individuals who do not register as a sex and violent offender, and have a prior offense for not registering, commit a Class C felony. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D or a Class C felony is \$10,000. However, any additional revenues would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Steve Hillman, Indiana State Police, 317-232-5899; Pam Marling, Bureau of Identification, Allen County, 260-449-7630; Jody Hollenbaugh, Whitley County, 260-244-6410; Mike Eslinger, Indiana Sheriffs' Association, 317-356-3633.

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